

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RICHARD RICHARDSON,

Plaintiff,

-against-

**SUPPLEMENTAL
DISCOVERY RESPONSE**

07-CIV-7198 (LAK) (MHD)

NEW YORK CITY; NEW YORK CITY
LIRR POLICE COMMAND DISTRICT #4;
ALL JOHN DOE OFFICERS; JOHN DOE
TOUR COMMAND; OFFICER FUENES,
TAXID 086729; AND OFFICER
SGT. SMITH;

Defendants.

-----X
Defendants, LIRR, MTA/LIRR POLICE DEPARTMENT, MTA POLICE
OFFICER FUENTES AND MTA POLICE OFFICER SGT. SMITH, by their attorneys,
LEWIS JOHS AVALLONE AVILES, LLP., and pursuant to the directive of Magistrate
Judge Dolinger contained in an Order dated January 8, 2008 supplements its previous
discovery responses as follows:

1. Plaintiff's November 30, 2007 letter.

This letter requests certain witnesses for trial, some of which may be
MTA employees and most are not. With respect to MTA Police Fuentes defendants agree
at a mutually convenient time and pursuant to the rules of the United States District Court,
Southern District of New York to produce Mr. Fuentes for deposition and/or trial.

Defendants cannot and will not produce all male Latino workers
from the delicatessen shop and Hudson Newstands as we do not represent these individuals
and have no control to produce them for trial. With regard to the "big tall White guy"

whose name is Fitzpatrick, if in fact, he is an employee of the MTA/LIRR Police Department he will be produced pursuant to the rules of the United States District Court, Southern District of New York and/or deposition at a mutually convenient time.

2. Plaintiff's letter dated January 2, 2008.

Defendants have previously replied to the request for videotapes in Penn Station via discovery response dated January 7, 2008 and filed in the Court on that date and mailed to the plaintiff.

Again, all witnesses and/or potential trial witnesses identified who are employees of the MTA Police Department will be produced pursuant to the rules of the United States District Court, Southern District of New York for trial and/or deposition at a mutually convenient time.

Dated: Riverhead, New York
January 9, 2008

Yours, etc.,

LEWIS JOHS AVALONE AVILES, LLP
Attorneys for Defendants
NEW YORK CITY LIRR POLICE COMMAND
DISTRICT #4, ALL JOHN DOE OFFICERS, JOHN
DOE TOUR COMMAND, OFFICER FUENES,
TAX ID 086729, AND OFFICER SGT. SMITH
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By:


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Lewis Johs Avallone Aviles, LLP
SHOF JOHS

07-CV-762(ARR)

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UNITED STATES DISTRICT COURT

Year 20

RICHARD RICHARDSON,

Petitioners,

- against -

NEW YORK CITY; NEW YORK CITY LIRR POLICE COMMAND DISTRICT #4; ALL
JOHN DOE OFFICERS; JOHN DOE TOUR COMMAND; OFFICER FUENES, TAX ID
086729 AND OFFICE SGT. SMITH,

Respondents.

Supplemental Discovery Response

LEWIS JOHS

Lewis Johs Avallone Aviles, LLP

Counsellors at Law

Attorneys for

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FILE #:

CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. § 130-1.1a

The undersigned hereby certifies that, pursuant to 22 N.Y.C.R.R. § 130-1.1a, the contentions contained in the annexed document(s) is not frivolous nor frivolously presented

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir: Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a

duly entered in the office of the clerk of the within named court on

20

☐ NOTICE OF SETTLEMENT

that an order

of which the within is a true copy will be presented for

settlement to the HON.

one of the judges

of the within named court, at

on

20

at

M.

Dated,

Yours, etc.

LEWIS JOHS